

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2141 - SB 2114

March 30, 2009

SUMMARY OF BILL: Deletes the organizations authorized to make nominations for members of the Judicial Selection Commission. Decreases from 17 to 15 the membership of the Commission, comprised of five members from each grand division, with five members of the total being non-lawyers. Effective July 31, 2009, current membership is replaced by new appointments with the term of office of each new member beginning on August 1, 2009. Any member who serves any portion of a six-year term shall be considered to have served a term for purposes of the two-year limitation. Requires the Commission to hold open meetings when certifying all candidates, rather than three, for judicial vacancies and requires the Commission to rate such nominees before sending the names to the Governor. Requires Senate confirmation of the Governor's nominee to fill a vacancy for any state court judge. Increases from a simple majority to a 60 percent majority the vote that a judge must receive in a retention election. Extends the sunset provision for the Judicial Selection and Evaluation Commissions to June 30, 2011.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – \$3,000

A more precise cost estimate is not possible because the Administrative Office of the Courts has not provided any information to assist in the preparation of this fiscal note.

Assumptions:

- Meetings which are currently private will be made open to the public. Requiring public notice of such meetings will result in a not significant increase in state expenditures.
- Requiring the list of all candidates, rather than three, be rated before sending the list to the Governor will not have a fiscal impact to the judicial system. Requiring Senate confirmation of the Governor's nominee to fill a vacancy will not have a significant fiscal impact.
- Based on the total expenditures of the Commission since FY05-06, the average expense per member is \$1,482. The decrease in state

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expenditures with two less members is estimated to be \$2,964 (\$1,482 x 2).

- This bill continues existing commissions at the current funding level.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/lsc